IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15881 of 2004

Between:

M/s. Kader Exports Ltd., rep. by its Authorised Signtory,
Mr. Aboo Backer S/o. Meera Saheb, 47 years,
registered Office at Muttukadu Road, Nellangarai, Chennai-600041,

Tamil Nadu.

..... PETITIONER

AND

1 The Secretary, Agricultural Market Committee, Bhimavaram, W.G.District.
2 The Director of Marketing, Govt of A.P., BRKR Bhavan, Opp. Secretariat,

Hyderabad.
3 The Govt of A.P., rep. by its Prl., Secretary, (Food & Agrl, Dept), Secretariat,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Circular bearing No.1(2) 119/93, Dt. 28.07.2004 issued by the 2nd respondent to levy or collection of Development Cess @ Rs. 0.5% on Prawns meant for export is illegal, arbitrary, erroneous, highhanded and violative of provisions of A.P. (Agricultural Produce and Livestock) Markets Act, 1966 and also violative of Articles 14, 19(1) (g), 21, 300A, 201, 276 and 272 of the Constitution of India and also declare that the action of the Respondents in detaining the containers of export oriented prawns during the transit or at the Check Post for payment of Development Cess in pursuance of the Circular mentioned supra is illegal, arbitrary and violative of the Markets Act and consequently direct the Respondents not to act upon the Circular No.I (2) 119/93, dt. 28.07.2004 for

collection of Development Cess and not to insist the Petitioner for payment of the said Development Cess under Circular No.I (2) 119/93, Dt. 28.7.2004.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: MR.P.VENKATESWARLU (G.P. for Agriculture)

The Court made the following :

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ORDER:

It is represent by the learned Government Pleader for Agriculture that the impugned circular dated 28-07-2004 has been subsequently withdrawn under circular dated 31.08.2004 issued by the Commissioner and Director of Marketing.

In the circumstances, nothing survives for adjudication, and writ petition is accordingly dismissed as infructuous. No costs.

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07-09-2004

klp

To

1 The Secretary, Agricultural Market Committee, Bhimavaram, W.G.District.
2 The Director of Marketing, Govt of A.P., BRKR Bhavan, Opp. Secretariat,

Hyderabad.
3 The Govt of A.P., rep. by its Prl., Secretary, (Food & Agrl, Dept), Secretariat,

Hyderabad.

4 2CCs to G.P. for Agriculture, High Court buildings, Hyderabad.(OUT)

5 2CD copies